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APPLICATION NO.	FILING DATE	FIRST-NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,937	01/12/2005	Helmut Dobler	016906-0364	4750

22428 7590 03/15/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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HARRIS, KATRINA B

ART UNIT	PAPER NUMBER
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3747

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/520,937

Applicant(s)

DOBLER ET AL.

Examiner

Katrina B. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 9, 12, 15 and 16 the phrase "and/or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and/or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (5,806,479). Bauer et al. discloses, as in **claim 1**, a cooling module for the engine of a motor vehicle, having a generally planar heat exchanger (1), at least one fan (7) and a coolant pump (6), wherein part of the cooling module is a

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module frame (See column 3, lines 1-3) which laterally surrounds at least a portion of the heat exchanger (1) and within which on which the coolant pump (6) is arranged in such a way as to be positioned laterally beside the heat exchanger (1).

Regarding **claim 2**, Bauer et al. discloses the module frame (See column 3, lines 1-3) is supporting component of the cooling module.

Regarding **claim 3**, Bauer et al. discloses the cooling module has a valve (19)

Regarding **claim 4**, Bauer et al. discloses the valve (19) is connected to the coolant pump as a constructional unit.

Regarding **claim 5**, Bauer et al. discloses the thermostat (19) regulates the coolant temperature.

Regarding **claim 9**, Bauer et al. discloses the coolant pump (6) and the valve (19) are aligned parallel to the region of the module frame, in which the coolant pump (6) and/ or the valve (19) is/are fixed.

Regarding **claim 10**, Bauer et al. discloses a connection is provided for that part of the coolant circuit through which the flow passes parallel to the heat exchanger, which connection is aligned in the axial direction of the coolant pump.

Regarding **claim 11**, Bauer et al. discloses a flexible connecting means arranged between the outlet of the heat exchanger and the inlet of the coolant pump.

Regarding **claim 12**, Bauer et al. discloses a cooling module for the engine of a motor vehicle, having a generally planar heat exchanger (1), at least one fan (7) and a coolant pump (6), wherein part of the cooling module is a module frame (See column 3,

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lines 1-3) which laterally surrounds at least a portion of the heat exchanger (1) and within which on which the coolant pump (6) is arranged in such a way as to be positioned laterally beside the heat exchanger (1); wherein the coolant pump is arranged on the module frame in such a manner that cooling air can flow around the electronics of the coolant pump.

Regarding **claim 13**, Bauer et al. discloses wherein the module frame and the cooling-fan housing form a constructional unit. (see column 3, lines 1-3)

Regarding **claim 15**, Bauer et al. discloses a cooling module for the engine of a motor vehicle, having a generally planar heat exchanger (1), at least one fan (7) and a coolant pump (6), wherein part of the cooling module is a module frame (See column 3, lines 1-3) which laterally surrounds at least a portion of the heat exchanger (1) and within which on which the coolant pump (6) is arranged in such a way as to be positioned laterally beside the heat exchanger (1); wherein the fan (7) includes a fan housing (8) and wherein the fan housing and the module frame are separate elements.

Regarding **claim 16**, Bauer et al. discloses a cooling module for the engine of a motor vehicle, having a generally planar heat exchanger (1), at least one fan (7) and a coolant pump (6), wherein part of the cooling module is a module frame (See column 3, lines 1-3) which laterally surrounds at least a portion of the heat exchanger (1) and within which on which the coolant pump (6) is arranged in such a way as to be positioned laterally beside the heat exchanger (1); wherein the pump is positioned toward the rear side of the module frame(see column 3, lines 1-3), in the direction of air flow.

***Allowable Subject Matter***

Claims 6-8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,685,513 issued to Longhouse et al. shows a similar invention with radiator supports.

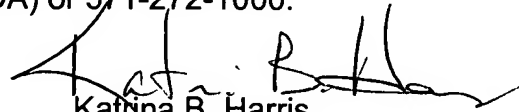
***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katrina B. Harris whose telephone number is 571-272-4842. The examiner can normally be reached on 5:30 AM -2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Cronin can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kathina B. Harris  
Examiner  
Art Unit 3747

KBH



STEPHEN K. CRONIN  
SUPERVISORY PATENT EXAMINER